

REMARKS/ARGUMENTS

The present amendment is submitted in accordance with the Revised Amendment Format as set forth in the Notice provided on the USPTO web site for the Office of Patent Legal Administration; Pre-OG Notices; signed 1/31/03

1. Status of the claims

Claims 24-26, 28, 31, 41-43 and 45-46 are amended and claims 65-71 are added. Claims 27, 30, 34, 36-40 and 44 are canceled with this Amendment. Claims 24-26, 28-29, 31-33, 35, 41-43, 45-47 and 65-71 are currently pending with entry of the Amendment.

2. Support for the Amendments

Support for the amendments to the claims can be found throughout the specification, the drawings, and the claims as originally drafted. For example, support for the amendment to claims 24-25 and 41-42 can be found on, e.g., the tables of pages 42-43 of the specification. Support for new claims 70-71 can be found on, e.g., page 71, lines 2-3 of the specification. No new matter is added.

3. Interview

Applicants thank the Examiner for the helpful interview on July 11, 2003.

4. Priority

The Examiner did not enter the amendment of page 1, lines 4-7 of the application made on February 1, 2002 because a marked-up copy was not provided. Applicants believe that this issue is addressed with the amendment above.

5. Drawings

The Examiner objected to Figures 2, 5 and 8.

Specifically, the Examiner stated that the brief description indicated that Figure 2 was labeled "A-D," but the Figures did not contain the corresponding labels. To correct this issue, the description on page 8 is amended herein to omit reference to "A-D."

The Examiner also requested that Applicants insert labels "A" and "B" on Figure 5. Replacement drawings included herein contain the requested labels.

The Examiner also requested that Applicant add labels "a-f" to the figure. Applicants respectfully note that the figures already include those labels.

The Examiner also requested that Applicants clarify Figure 8. To expedite prosecution, Applicants have canceled Figure 8 and renumbered Figure 9 as Figure 8. Applicants note that the sequences provided in canceled Figure 8 are available in the sequence listing and the relationship of the depicted sequences is inherent.

6. *Rejections under 35 U.S.C. § 112, first paragraph: written description*

Claims 24, 25, 27, 29-36, 38, 41-42 and 44 were rejected under 35 U.S.C. § 112, first paragraph as allegedly not fulfilling the written description requirement. In view of the interview, it is Applicants understanding that the amended claims overcome this rejection. Accordingly, Applicants respectfully request withdrawal of the rejection.

7. *Rejections under 35 U.S.C. § 112, first paragraph:enablement*

Claims 24-47 were rejected were rejected under 35 U.S.C. § 112, first paragraph as allegedly not enabled. It is Applicants understanding in view of the interview that the rejections relating to expression of AGL5 alone, ectopic expression and the use of enhancing lignin (see, Office Action pp. 9-10) are overcome by the amendments.

In addition, the Examiner argued that the examples only demonstrated increased lignification of valve mesophyll following ectopic expression of AGL1 or AGL1/AGL5. Therefore, the Examiner argued that the claimed method "apparently does not result in the lignification of any other plant part." See, Office Action, page 9. Applicants respectfully traverse the rejection.

Applicants need not demonstrate every embodiment of an invention in working examples. Indeed, the MPEP notes that "[t]he presence of only one working example should never be the sole reason for rejecting claims as being broader than the enabling disclosure" *See*, MPEP § 2164.02.

In the present case, the examples demonstrate that upon appropriate expression of AGL1 and AGL5, increased lignin is observed in floral tissues (e.g., the valve mesophyll) compared to untransformed plants. Applicants' main scientific focus is floral development. Therefore, lignin was only examined in floral tissues.

Other tissues were not tested for lignin content. However, there is no reason not to believe that ectopic expression of AGL1 and AGL5 does not result in enhanced lignin accumulation elsewhere in the plant. Accordingly, Applicants respectfully request withdrawal of the rejection.

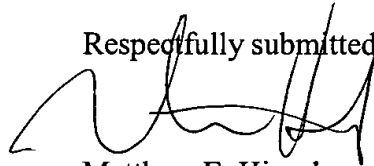
Applicants note that new claims 70-71 are directed to the claim scope that the Examiner appears to assert is enabled by the examples. *See*, Office Action page 10.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



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